



U.S. Department of Justice

*United States Attorney
Western District of Tennessee*

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Memphis, Tennessee 38103

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November 19, 2021

Mr. Peter Oh
200 Jefferson Ave., Suite 200
Memphis, TN 38103

RE: UNITED STATES v. RICKY MCNEAL, 2:21-cr-20185-JTF

Dear Mr. Oh,

Pursuant to the Federal Rules of Criminal Procedure, the Government has provided discovery in the RICKY MCNEAL case. Please be advised as follows:

1. As to Rule 16 of the Federal Rules of Criminal Procedure, discovery has been or will be provided to you by email, uploading to the USAfx File Exchange Cloud (the "Cloud"), and/or provided to you on a USB flash drive or external hard drive.
 - a. The following has been provided to you via upload to the USAfx File Exchange Cloud: **(Please note that you must download (not just view, but download) these items before they are automatically deleted within 30 days from the date of this letter.):**
 - i. I have provided a copy of the discovery consisting of Bates numbered documents 1-59, including, if available, but not limited to, incident reports, victim and/or witness statements, and evidence reports.
 - ii. Your client's recorded jail calls.
 - b. The following is available via a USB flash drive or external hard drive, and will be located at the front desk of the United States Attorney's Office for pick up as soon as possible, and you will be contacted when this is available for pick up at your convenience:
 - i. Body worn camera videos (20 videos – Approx. 18.2 GB)

2. As to Rule 16(a)(1)(D), a copy of your client's criminal history is enclosed. Should this matter proceed to trial and your client testify, the Government will seek to introduce your client's prior convictions as impeachment evidence. If your client disputes any of the dates of conviction, conviction offenses, dates of release, sentences, or sentencing agencies as described on the criminal history, please contact me as soon as possible. In addition, should this matter proceed to trial and your client testify, the Government will seek to introduce as impeachment evidence any felony convictions that are more than ten years old, pursuant to Rule 609(b) of the Federal Rules of Evidence.
3. As to Rule 16(a)(1)(E) and 12(d)(2), physical evidence includes, but is not limited to evidence listed in evidence reports included in discovery:
 - a. Smith & Wesson Bodyguard .380 pistol
 - b. Approximately 6 live .380 rounds
 - c. Any other evidence in property receipt nos. 200500116-0001 thru 200500116-0003, and/or any other property mentioned in the Bates numbered discovery.

You may arrange to inspect the originals and/or make arrangements to copy these items by contacting me at (901) 544-4231.

4. As to Rule 16(a)(1)(G), the United States intends to introduce the expert testimony of ATF Special Agent Wayne D. Moore regarding the fact that the firearm(s) and/or ammunition in question previously traveled in interstate commerce and satisfies the definition for firearm and/or ammunition provided at 18 U.S.C. § 921(a). A copy of his or her qualifications is enclosed.
5. Also, the United States also intends to introduce the testimony of Sergeant Zachery Gatlin regarding the processing of the firearm or ammunition in question and the fact that the firearm or ammunition was processed and was negative for fingerprints, which is not unusual in his experience.
6. The United States is cognizant of its obligation under Brady v. Maryland.
7. The United States requests any and all reciprocal discovery and notice to which it is entitled pursuant to Rule 16 and the local rules.
8. Pursuant to Rule 12.1(a), the United States requests the written disclosure before trial of any intention of your client to establish an alibi defense, including the specific place or places at which he or she claims to have been at the time of the alleged offenses, and the names, addresses, and phone numbers of the witnesses upon whom he intends to rely to establish such alibi. The offense(s) charged in this case occurred at the following time(s), date(s), and place(s):

- a. On May 2, 2020, approximately 4:00am, around Pauline St and Dr. M.L.K. Blvd, Memphis, TN.
9. As any additional items are obtained by the United States that come within the scope of these obligations, these items will be promptly provided to you.
10. Please confer with me by email, or please contact me to schedule a discovery conference to discuss the topics outlined in Local Rule 16(a).

If you have any questions or would like to discuss this matter further, please feel free to contact me.

Sincerely,

JOSEPH C. MURPHY, JR.
ACTING UNITED STATES ATTORNEY

By: /s/ Samuel D. Winnig
SAMUEL D. WINNIG
Special Assistant United States Attorney

cc: Thomas M. Gould, Clerk,
United States District Court